

7202. Adulteration and misbranding of table oil. U. S. * * * v. 47 Cans of Table Oil.
Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9946. I. S. No. 15313-r. S. No. E-1273.)

On March 25, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 47 cans of table oil, consigned on March 8, 1919, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Gamanos & Booskos, New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Finest Quality Table Oil."

Adulteration of the article was alleged in the libel for the reason that substances, to wit, corn and cottonseed oils, had been substituted wholly or in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements borne on the label, together with the pictorial designs and devices, were false and misleading and deceived and misled the purchaser in that they conveyed the impression that the product was olive oil, when it was not; for the further reason that it purported to be a foreign product, when not so; for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that it was food in package form, and the quantity of the contents was not declared.

On May 1, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be relabeled and sold at public auction by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7203. Misbranding of cheese. U. S. * * * v. 33 Cartons of Cheese. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9949. I. S. Nos. 7852-r, 7853-r, 7854-r, 7855-r, 7856-r, 7857-r, 7858-r. S. No. C-1127.)

On April 2, 1919, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 33 cartons of cheese, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on February 10, 1919, and March 4, 1919, by J. L. Kraft & Bros. Co., Chicago, Ill., and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended.

The article was labeled in part, "Elkhorn Kraft Cheese—Chile Flavor," "Elkhorn Limberger Cheese," and "Elkhorn—Roquefort—American Cheese," and "J. L. Kraft & Bros. Co., Chicago, Ill."

Misbranding of the article was alleged in the libel for the reason that the labels on the cans containing the article bore statements representing that each can contained $\frac{1}{4}$ pound of cheese, which statement was false and misleading, inasmuch as the contents of the cans were materially less than that amount, averaging from 5 per cent to 9.25 per cent shortage in weight. Misbranding of the article was alleged for the further reason that the statement, to wit, "Contents one-quarter pound," borne on the cans, deceived and misled the purchaser. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight, since the amount stated was not a correct statement of the quantity of food contained in the package.

On May 10, 1919, the said J. L. Kraft & Bros. Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it